

Higher Education Law of the People's Republic of China

(Adopted at the Fourth Session of the Standing Committee of the Ninth National People's Congress on August 29, 1998, promulgated by Order No. 7 of the President of the People's Republic of China on August 29, 1998 and effective as of January 1, 1999)

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CHAPTER I GENERAL PROVISIONS

Article 1 This Law is enacted in accordance with the Constitution and the Education Law with a view to developing higher education, implementing the strategy of developing the country by relying on science and education, and promoting socialist material and ethical progress.

Article 2 This Law shall be applicable to higher education conducted within the territory of the People's Republic of China. For purposes of this Law, higher education means education conducted on the basis of completion of senior middle-school education.

Article 3 In developing socialist higher education, the State adheres to Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory as its guide and follows the basic principles laid down in the Constitution.

Article 4 Higher education shall be conducted in adherence to the educational principles of the State, in the service of the socialist modernization drive and in combination with productive labour, in order that the educatees shall become builders and successors for the socialist cause, who are developed in an all-around way—morally, intellectually and physically.

Article 5 The task of higher education is to train people to become senior specialists imbued with the spirit of creativeness and the ability of practice, to develop science, technology and culture and to promote the socialist modernization drive.

Article 6 In light of the need of economic and social development, the State formulates plans for the development of higher education, runs higher education institutions and promotes higher education in various ways.

The State encourages all sectors of society, including enterprises, institutions, public organizations or groups as well as individual citizens, to run higher education institutions in accordance with law and to participate in and support the reform and development of higher education.

Article 7 In light of the needs of the socialist modernization drive and of development of a socialist market economy, the State, on the basis of the different types and levels of the existing higher education institutions, advances the restructuring of higher education and the reform of teaching in higher education institutions, and optimizes the structure of higher education and the distribution of resources, in order to improve the quality and increase the efficiency of higher education.

Article 8 The State, in light of the unique characteristics and needs of the ethnic groups, assists and supports the development of higher education in regions inhabited by ethnic peoples for the purpose of training senior specialists among them.

Article 9 Citizens shall, in accordance with law, enjoy the right to receive higher education.

The State takes measures to enable students who come from ethnic groups and students who have financial difficulties to receive higher education.

Higher education institutions shall enrol disabled students who are up to the admission qualifications prescribed by the State; they may not refuse to enrol them on account of their disability.

Article 10 The State, in accordance with law, ensures the freedoms of scientific research, literary and artistic creation and other cultural activities conducted in higher education institutions. Research, literary and artistic creation and other cultural activities in higher education institutions shall be conducted in compliance with law.

Article 11 Higher education institutions shall be oriented to the needs of society and shall run the schools on their own and in accordance with law and administer democratic management.

Article 12 The State encourages collaboration between higher education institutions and their collaboration with research institutes, enterprises and institutions in order that they all can draw on each other's strengths and increase the efficiency of educational resources.

The State encourages and supports international exchange and cooperation in higher education.

Article 13 The State Council shall provide unified guidance and administration for higher education throughout the country.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall undertake overall coordination of higher education in their own administrative regions and administer the higher

education institutions that mainly train local people and the higher education institutions that they are authorized by the State Council to administer.

Article 14 The administrative department for education under the State Council shall be in charge of the work of higher education throughout the country and administer the affairs of the higher education institutions designated by the State Council as schools that mainly train people for the country as a whole. Other administrative departments concerned under the State Council shall be responsible for the work related to higher education within the limits of their duties defined by the State Council.

CHAPTER II BASIC SYSTEMS OF HIGHER EDUCATION

Article 15 Higher Education includes education for academic qualifications and education for non-academic qualifications.

Higher Education takes the forms of full-time schooling and non-full-time schooling.

The State supports higher education conducted through radio, television, correspondence and other long-distance means.

Article 16 Higher education for academic qualifications includes special course education, regular course education and graduate programs.

The following academic levels shall be attained through higher education for academic qualifications:

(1) Special course education shall enable students to grasp the basic theories and special knowledge, which the course must offer and to acquire the basic skills and the preliminary ability of practical work in the fields of their specialized subjects.

(2) Regular course education shall enable students to grasp more systematically the basic theories and knowledge required by the branches of learning or specialized subjects offered, to grasp the basic skills, methods and relevant knowledge necessitated by their specialized subjects, and to acquire the preliminary ability of practical work and research in the fields of their specialized subjects.

(3) The graduate program for candidates working for an MA degree shall enable candidates to grasp firmly the basic theories in their branches of learning and grasp the systematic knowledge of their specialized subjects, to grasp the skills and methods and relevant knowledge required, and to acquire the ability of practical work and research in the fields of their specialized subjects. The graduate program for candidates working for a Ph.D shall enable candidates to grasp firmly the breadth of the basic theories and the systematic and profound knowledge of the specialized subjects and grasp the skills and methods required by their branches of learning, and to acquire the ability of creative research on their own and of practical work in the fields of their specific branches of learning.

Article 17 The basic length of schooling for special course education is from two to three years; for regular course education it is from four to five years; for graduate programs for candidates working for an MA it is from two to three years, and for graduate programs for candidates working for a Ph.D it is from three to four years. The length of schooling for non-full-time higher education for academic qualifications shall be prolonged properly. Higher education institutions may, in light of actual needs and with the approval of the qualified administrative department for education, readjust the length of schooling of their institutions.

Article 18 Higher education shall be conducted by higher education institutions and other higher education organizations.

Universities and independent colleges shall mainly conduct regular course education and education at a still higher level. Specialized higher education schools shall conduct special course education. With the approval of the administrative department for education under the State Council, research institutes may undertake graduate programs.

Other higher education organizations shall conduct higher education for non-academic qualifications.

Article 19 Graduates from senior middle schools and people with the same educational level, who have passed the entrance examinations, shall be enrolled by higher education institutions that offer the necessary education for academic qualifications and shall acquire the status of special course students or undergraduates.

Graduates from universities and people with the same educational level, who have passed the entrance examinations, shall be enrolled by higher education institutions that offer the necessary education for academic qualifications or by research institutes that have obtained approval of undertaking the graduate program, and shall acquire the status of candidates working for an MA degree.

People who have completed the graduate program and people who have the same educational level, having passed the entrance examinations, shall be enrolled by higher education institutions that offer the necessary education for academic qualifications or research institutes that have obtained approval of undertaking the graduate program, and shall acquire the status of candidates working for a Ph.D.

Specific measures for allowing graduates of special branches of learning or specialized subjects directly to acquire the status of candidates working for a Ph. D shall be formulated by the administrative department for education under the State Council.

Article 20 Students receiving higher education for academic qualifications shall be issued appropriate academic qualification certificates or other education certificates by their respective higher education institutions or research institutes that have obtained approval of undertaking the graduate program, on the basis of their length of study, academic records, etc. and in accordance with the relevant regulations of the State.

Students receiving higher education for non-academic qualifications shall be granted appropriate diplomas by their respective higher education institutions or other higher education organizations. The length of study and the subjects studied shall be recorded in the diplomas.

Article 21 The State applies a system of higher education examinations for self-taught people, under which those who have passed the examinations shall be issued appropriate academic qualification certificates or other education certificates.

Article 22 The State applies a system of academic degrees. The academic degrees include the bachelor's, the master's and the doctor's degrees.

Citizens, who through receiving higher education or self-teaching, have met the qualifications for academic degrees in terms of their educational level as prescribed by the State, may apply to degree-conferring bodies for the issue of appropriate degrees.

Article 23 Higher education institutions and other higher education organizations shall undertake continuing education in light of social needs and their own conditions for offering such education.

CHAPTER III ESTABLISHMENT OF INSTITUTIONS OF HIGHER EDUCATION

Article 24 Higher education institutions shall be established in accordance with State plans for the development of higher education and in keeping with the interests of the State and the public; they may not be established for purposes of making profits.

Article 25 The basic conditions as provided for in the Education Law shall be fulfilled for establishment of a higher education institution.

Universities and independent colleges shall, in addition, have a stronger staff for teaching and research, a higher level of teaching and research, as well as a necessary size of the student body, so that they can offer regular course education and education at a higher level.

Moreover, universities shall offer at least three branches of learning designated by the State as the main courses. The specific requirements for establishment of higher education institutions shall be formulated by the State Council.

The specific requirements for establishment of other higher education organizations shall be drawn up by the relevant departments authorized by the State Council or by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the principles laid down by the State Council.

Article 26 The name to be adopted by a higher education institution established shall be commensurate with its administrative level, the category it belongs to, the subjects it offers, the size of its student body and its level of teaching and research.

Article 27 For establishment of a higher education institution, the following materials shall be submitted to the approving authority:

- (1) an application;
- (2) feasibility study materials;
- (3) regulations; and
- (4) other materials required by the approving authority in accordance with the provisions of this Law.

Article 28 The regulations of a higher education institution shall include the following:

- (1) name and address of the institution;
- (2) aims of the institution;
- (3) size of the student body;
- (4) branches of learning and subjects offered;
- (5) forms of education;

- (6) internal administration system;
- (7) sources of funds, property, and fiscal system;
- (8) the rights and obligations of sponsors and the institution;
- (9) procedure for amendment of the regulations; and
- (10) other items that must be included in the regulations.

Article 29 The establishment of higher education institutions shall be subject to examination and approval by the administrative department for education under the State Council, the ones for special course education may be subject to examination and approval by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government that are authorized by the State Council. The establishment of other higher education organizations shall be subject to examination and approval by the relevant departments authorized by the State Council or by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government. The administrative department for education under the State Council shall have the right to abolish the higher education institutions and other higher education organizations the establishment of which is not examined and approved in accordance with the requirements as stated.

For examination and approval of the establishment of higher education institutions, specialists shall be invited to form a panel for appraisal.

The division, amalgamation, termination, and alteration of the names, categories or other important matters of higher education institutions and other higher education

organizations shall be subject to examination and approval by the original authority that examined and approved their establishment; amendment of regulations shall be subject to verification by the said authority.

CHAPTER IV ORGANIZATION AND ACTIVITIES OF INSTITUTIONS OF HIGHER EDUCATION

Article 30 A higher education institution shall acquire the status of a legal entity from the date on which its establishment is approved. The president of the higher education institution shall be the legal representative of the institution.

A higher education institution shall, in accordance with law, enjoy civil rights and bear civil liabilities in civil affairs.

Article 31 Higher education institutions shall concentrate on training students, carry out teaching and research and provide services for the society, and ensure that the quality of education and teaching meet the requirements laid down by the State.

Article 32 Higher education institutions shall draw up enrolment plans in light of social needs, the conditions of the institutions, and the size of the student body verified by the State, and readjust on their own the proportions of enrolment for different faculties and subjects.

Article 33 Higher education institutions shall, in accordance with law, act on their own in offering and readjusting the branches of learning and specialized subjects.

Article 34 Higher education institutions shall, on the basis of the needs of teaching, act on their own in drawing up their teaching programs, compiling teaching materials and making arrangements for their teaching activities.

Article 35 Higher education institutions shall, on the basis of their own conditions, act on their own in conducting research, developing technology and providing services for the society.

The State encourages higher education institutions to collaborate in various ways with enterprises, institutions, public organizations or groups in research and in development and extensive use of technologies.

The State supports qualified higher education institutions to become research bases of the State.

Article 36 Higher education institutions shall, in accordance with the relevant regulations of the State, act on their own in conducting exchange and co-operation with higher education institutions outside of the territory of China in the fields of science, technology and culture.

Article 37 Higher education institutions shall, in light of actual needs and on the principle of simple and efficient administration, act on their own in deciding on the internal structure of the departments for teaching, research and executive function and on the number of staff for different departments. They shall, in accordance with relevant State regulations, assess the performance of teachers and other professional workers and technicians, make appointment to such posts, and readjust the payment of subsidies and salaries.

Article 38 Higher education institutions shall, in accordance with law, act on their own in managing and using the property provided by sponsors, the fiscal funds allocated by the State and the contributions and donations received.

No higher education institutions may misappropriate the funds earmarked for teaching and research.

Article 39 In higher education institutions run by the State, the system shall be applied under which the presidents take over-all responsibility under the leadership of the primary committees of the Communist Party of China in higher education institutions. Such committees shall, in accordance with the Constitution of the Chinese Communist Party and relevant regulations, exercise unified leadership over the work of the institutions and support the presidents in exercising their functions and powers independently and responsibly. In exercising leadership, the committees shall chiefly perform the following duties: to adhere to the lines, principles and policies of the Chinese Communist Party, to keep to the socialist orientation in running the schools, to provide guidance to ideological and political work and moral education in the institutions, to discuss and decide on the internal structure and directors of departments of the institutions, reform, development and basic management systems of the institutions and other important matters, and to ensure fulfilment of all the tasks centring on the training of students.

The internal management systems of higher education institutions run by different sectors of society shall be established by such sectors in accordance with the regulations of the State governing such institutions.

Article 40 The post of president of a higher education institution shall be held by a citizen who meets the qualifications for the post as provided for in the Education

Law. Presidents and vice-presidents of higher education institutions shall be appointed and removed according to the relevant regulations of the State.

Article 41 The president of a higher education institution undertakes over-all responsibility for the institution's teaching, research and administrative affairs, and exercises the following duties:

(1) to draw up development plans, formulate specific rules and regulations and annual work plans, and arrange for their implementation;

(2) to arrange for teaching, research and ideological and moral education;

(3) to draw up plans for internal structure, nominate candidates for vice-presidents, and appoint and remove directors of departments of the institution;

(4) to appoint and dismiss teachers and other workers of the institution, keep control of the school roll, and give reward and punishment to students;

(5) to draw up and implement annual fiscal budget, protect and manage the property of the institution, and protect the lawful rights and interests of the institution; and

(6) other duties provided for in the regulations of the institution. The president of a higher education institution chairs the council of presidents or presides over the administrative affairs meetings of the institution, and handles the affairs prescribed in the preceding paragraph.

Article 42 In a higher education institution an academic committee shall be set up to deliberate the disciplines and specialities to be offered, teaching and research

plans, and evaluate academic matters relating to the successes achieved in teaching and research.

Article 43 Higher education institutions shall, in accordance with law and through the conference of representatives of teachers and administrative staff workers, with teachers as its main body, or through other forms, guarantee that teachers and staff workers are involved in the democratic management and supervision of the institutions and safeguard their lawful rights and interests.

Article 44 The level of the running of and the quality of teaching in higher education institutions shall be subject to supervision of administrative departments for education and to evaluation organized by them.

CHAPTER V TEACHERS AND OTHER EDUCATIONAL WORKERS OF INSTITUTIONS OF HIGHER EDUCATION

Article 45 Teachers and other educational workers of higher education institutions shall enjoy the rights prescribed by law, fulfil the obligations prescribed by law, and devote themselves to the cause of the people's education.

Article 46 A qualification system shall be instituted among teachers in higher education institutions. Chinese citizens, who abide by the Constitution and laws, love education as a cause, have sound ideology and moral character, have completed undergraduate or graduate programs, have the necessary competence in education and teaching, and are considered qualified, may serve as teachers in higher education institutions. Citizens, who have not completed undergraduate or graduate programs but have acquired a speciality through study, have passed national examinations for qualifications of teachers, and are considered qualified, may likewise serve as teachers in such institutions.

Article 47 A system of professional titles shall be instituted among teachers in higher education institutions. The number of such titles in higher education institutions shall be determined on the basis of the need of teaching, research and other tasks which are shouldered by the institutions. The professional titles of teachers include teaching assistant, lecturer, associate professor and professor.

To acquire any of the professional titles prescribed in the preceding paragraph, a teacher in a higher education institution shall meet the following basic requirements:

- (1) to be qualified as a teacher in a higher education institution;
- (2) to have a systematic mastery of the basic theories of his branch of learning;
- (3) to have the necessary competence in education, teaching and research as required by the title he is to hold; and
- (4) to shoulder the curriculum commensurate with the title and the teaching assignments in required class hours.

Professors and associate professors, in addition to the basic requirements as mentioned above, shall possess systematic and sound basic theories of their branches of learning, have comparatively rich experience in teaching and research, have achieved remarkable successes in teaching, and have composed comparatively high level of thesis or works or achieved outstanding results in teaching and research.

The specific requirements for professional titles in higher education institutions shall be formulated by the State Council.

Article 48 A system of appointment shall be instituted among teachers in higher education institutions. A person, having been evaluated as being qualified for holding a teaching post, shall be appointed by a higher education institution according to the duties, requirements and tenure of office for the post.

Appointment of teachers of higher education institutions shall be based on the principle of equality and voluntariness on both sides and contracts of appointment shall be signed by presidents of higher education institutions and the teachers appointed.

Article 49 A system of educational administrators shall be instituted among administrative and managerial personnel in higher education institutions. A system of appointment for professional workers and technicians shall be instituted for auxiliary teaching staff and other professional workers and technicians in higher education institutions.

Article 50 The State protects the lawful rights and interests of teachers and other educational workers of higher education institutions and takes measures to improve their working and living conditions.

Article 51 Higher education institutions shall create conditions and provide convenience for teachers to undergo training, conduct research and take part in academic exchange.

Higher education institutions shall assess the ideology, political performance, professional ethics, professional skill and actual achievements of teachers, administrative and managerial personnel, and auxiliary teaching staff and other professional workers and technicians, and the results of the assessment shall serve as the basis for appointment, dismissal, promotion, reward and punishment.

Article 52 Teachers, administrative and managerial personnel, auxiliary teaching staff and other professional workers and technicians in higher education institutions shall do their own work well, concentrating on teaching and training students.

CHAPTER VI STUDENTS OF INSTITUTIONS OF HIGHER EDUCATION

Article 53 Students of higher education institutions shall abide by laws and regulations, observe norms of conduct for students and the management systems of the schools, respect teachers, work hard in their studies, build up their physiques and the concepts of patriotism, collectivism and socialism, diligently study Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, have sound ideology and moral character, grasp a comparatively high level of scientific and cultural knowledge and specialized skills.

The lawful rights and interests of students of higher education institutions shall be protected by law.

Article 54 Students of higher education institutions shall pay the tuition fees according to the regulations of the State.

Students from families with financial difficulties may apply for subsidies or reduction of or exemption from such fees.

Article 55 The State establishes scholarships and encourages higher education institutions, enterprises, institutions, public organizations or groups and individuals to establish scholarships in a variety of ways in accordance with the relevant regulations of the State--to be awarded to students of good character and

scholarship, students in specialities specified by the State and students going to work in State-assigned areas.

The State establishes work-study funds and student loans for students of higher education institutions and encourages higher education institutions, enterprises, institutions, public organizations or groups and individuals to establish stipends in a variety of ways to provide assistance for students who come from families with financial difficulties.

Students receiving student loans or stipends shall fulfil corresponding obligations.

Article 56 Students of higher education institutions may take part in community services and work-study activities during their spare time, provided that this does not prevent them from completing their studies.

Higher education institutions shall encourage and support students to take part in community services and work-study activities, and provide guidance and exercise control in this respect.

Article 57 Students of a higher education institution may form their own organizations in school. Student organizations shall conduct their activities within the limits defined by laws and regulations and obey leadership and control of the school authorities.

Article 58 Students of higher education institutions shall be permitted to graduate, if they are qualified in their ideology and moral character, have completed study of the courses required during the required length of schooling, and have passed the examinations or got all the credits required.

Article 59 Higher education institutions shall provide guidance and services with respect to job opportunities for graduates and students who have completed certain courses.

The State encourages graduates of higher education institutions to go and work in outlying areas and places where conditions are hard.

CHAPTER VII INPUT TO HIGHER EDUCATION AND GUARANTEE OF CONDITIONS

Article 60 The State institutes a system wherein government appropriations constitute the bulk of the funds for higher education, to be supplemented by funds raised through various avenues, so as to ensure that the development of higher education is suited to the level of economic and social development.

The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the provisions in Article 55 of the Education Law, ensure that funds for State-run higher education institutions gradually increase.

The State encourages enterprises, institutions, public organizations or groups and individuals to invest in higher education.

Article 61 Sponsors of higher education institutions shall ensure stable sources of funding for education, and they may not draw back the funds they put in education.

Article 62 The administrative department for education under the State Council shall, in conjunction with other relevant departments under the State Council and on the basis of the annual cost of education per enrolled student, formulate the

annual norms of expenditure for higher education institutions and the basic principles for raising educational funds; the administrative departments for education of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in conjunction with other relevant departments, work out the annual norms of expenditure for higher education institutions in their respective administrative areas and measures for raising educational funds, which shall serve as the basis for sponsors and higher education institutions in raising funds for education.

Article 63 The State adopts preferential policies with regard to the books and other material and equipment for teaching and research imported by higher education institutions and to the industrial undertakings run by such institutions. Earnings from industrial undertakings run by higher education institutions or from transfer of their intellectual property rights or other scientific and technological achievements shall be used for running of such institutions.

Article 64 The tuition fees collected by higher education institutions shall be controlled and used in accordance with the relevant regulations of the State, no other institutions or individuals may use them for other purposes.

Article 65 Higher education institutions shall, according to law, establish and improve the fiscal management system, properly use and strictly control educational funds, and make the best of the investment in education.

Fiscal activities of higher education institutions shall be subject to supervision according to law.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 66 Anyone who violates the provisions of the Education Law in conducting higher education shall be punished according to the relevant provisions of the Education Law.

Article 67 Individuals from outside the territory of China who meet the conditions prescribed by the State and who have completed the necessary formalities may enter higher education institutions in China to pursue their studies and research, to conduct academic exchange or to teach, and their lawful rights and interest shall be protected by the State.

Article 68 For purposes of this Law, higher education institutions are universities, independent colleges, and specialized higher education schools, including higher vocational schools and higher education schools for adults.

Other higher education organizations referred to in this Law are organizations engaged in higher education other than the higher education institutions and the research institutes approved to provide graduate programs.

The provisions of this Law regarding higher education institutions are applicable to other higher education organizations and the research institutes approved to provide graduate program, except the provisions that are applicable especially to higher education institutions.

Article 69 This Law shall go into effect as of January 1, 1999.